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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 10/675,235 | 09/30/2003 | Jeffrey Raymond Reihl | 5247/14P | 9832 |
| 29858 | 7590 | 09/28/2005 | EXAMINER | |
| BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP 900 THIRD AVENUE NEW YORK, NY 10022 | | | ONI, OLUBUSOLA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2164 | |

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/675,235 | Applicant(s) REIHL ET AL. | |
| | Examiner OLUBUSOLA ONI | Art Unit 2164 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

PS

DETAILED ACTION

Applicant has to provide an application number for one of the related applications in the specification.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9-13, 14-16, and 19 are rejected under 35 U.S.C 102(b) as being anticipated by Deepak puri, Mississauga (Pub No. US 2001/0037241).
(hereinafter Puri).

For claim 1, puri teaches:

“An Internet delivery method delivering electronic information products to a plurality of Users via the Internet, the method” (see e.g., [0037]) “comprising:
storing a plurality of display formats in a database, said display formats including at least a default display format and a custom display format; for each one of said plurality of users, storing information indicating whether the user is a specific type of user;” ([0039] database 110, verifies user type)

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“when a user logs in, identifying whether or not the user is said specific type of user; and if said user is identified as said specific type of user, then delivering an electronic Information product to said user in said custom display format” ([0039 and 0041], which describes a customized display format due to login verification).

For claim 2, “subscription account information” ([0039 and 0072], after registration 108, the user is asked to enter varied information).

For claim 3, “ wherein there are a plurality of user types and a respectively corresponding plurality of custom display formats” ([0041] different users get different customized display format based on their needs or the user type).

For claim 4, “custom display formats in different languages” ([0110]).

For claim 5, “either custom display formats and default display format includes flexible or changeable information”([0114] talks about notifying registered users of any changes).

For claims 6, “electronic information product is transmitted to a wireless device” ([0106] note that PDAs are included in the paragraph as a way of receiving information in a wireless environment).

For claim 9, "the user's use of the method is tracked" ([0111] tracking is included in the paragraph as the method of tracking usage).

For claims 10, Puri teaches:

"An Internet delivery system adapted to deliver electronic information products to a Plurality of users via the Internet, the system" ([0037]) "comprising: at least one computer having: one or more content databases storing data or other information for electronic information products" ([0039-0040] and note database 110 confirms the users data stored on the database, after verification, control panel 6 will be accessed).

"one or more modules; and a network connecting said at least one computer to a plurality of users via the Internet"([0034] note that the internet and computers are included in the paragraph as a medium through which users interact and transact).

"wherein the one or more modules are capable of: identifying whether or not a use is a specific type of user and, if the user is said specific type of user, then delivering an electronic information product to said user from said one or more content databases in a custom display format" ([0039 and 0041]).

As per claim 11, "subscription accounts information" (this claim is rejected on the grounds corresponding to the arguments given above for rejecting claim 2).

As per claim 12, " wherein there are a plurality of user types and a respectively

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corresponding plurality of custom display formats” (this claim is rejected on the grounds corresponding to the arguments given above for rejecting claim 3).

As per claims 13, “custom display formats in different languages” (this claim is rejected on the grounds corresponding to the arguments given above for rejecting claim 4).

For claims 14, “either custom display formats and default display format includes flexible or changeable information” this claim is rejected on the grounds corresponding to the arguments given above for rejecting claim 5).

For claims 15, “transmitted electronic information product to a wireless receiving device” (this claim is rejected on the grounds corresponding to the arguments given above for rejecting claim 6).

For claims 16, “electronic information product is transmitted wirelessly” ([0106] note that PDAs are included in the paragraph as a way of receiving information in a wireless environment, Fig 1 of Puris drawings also shows the internet transmitting information to a PDA in a wireless fashion, which is similar to the applicants claim language).

For claim 19, “the user’s use of the method is tracked” (this claim is rejected on the grounds corresponding to the arguments given above for rejecting claim 9).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Puri as applied to claims 6 above, and further in view of David Chou (Pub No. US 2003/0004984).
(hereinafter David).

As per claim 7, this claim is rejected on the grounds corresponding to the arguments given above for rejecting claims 6 above including the following reasons: Puri does not explicitly teach "the electronic information product is transmitted in a customized display format appropriate for the wireless device". David teaches "the electronic information product is transmitted in a customized display format appropriate for the wireless device" (see paragraph [0020]). It would have been obvious for one skill in the art at the time the invention was made to have combined the teachings of Puri and David, because using the steps of "the electronic information product is transmitted in a customized display format appropriate for the wireless device" would have given those skilled in the art the tools to display data, in a

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customized fashion. Automatically selecting and outputting of the specification according to the mobile phone or PDA to achieve the best visual effect can be an advantage to the user.

Claim 17 is rejected under 35 U.S.C 103(a) as being unpatentable over Puri as applied to claims 15 above, and further in view of Rahn et al. (Pub No. US 2002/0103008).
(hereinafter Rahn).

As per claim 17, this claim is rejected on the grounds corresponding to the arguments given above for rejecting claims 15 above including the following reasons:

Puri does not explicitly teach "electronic information products transmitted by cradle synchronization" Rahn teaches "electronic information products transmitted by cradle synchronization"(see paragraph [0046]). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Puri and Rahan, because using "electronic information products transmitted by cradle synchronization" would have given those skilled in the art tools to receive information using cradle. This gives the users the advantage of communicating through his PDA using the cradle even though he is away from his desktop.

7. Claims 8 and 18 are rejected under 35 U.S.C 103(a) as being unpatentable over Puri as applied to claims 1 and 10 above, further in view of Patel et al. (Pub No. US 6411836).

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(hereinafter Patel).

As per claim 8 and 18, Puri does not explicitly teach "healthcare information". Patel teaches "healthcare information" (col.3, lines39-45). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Puri and Patel, because using "healthcare information" would have given those skilled in the art tools to provide patient information in various display formats. This gives users the advantage of retrieving patient information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-272-2738. The examiner can normally be reached on 7.30-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES RONES can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.


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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OLUBUSOLA ONI
Examiner
Art Unit 2164


CHARLES RONES
PRIMARY EXAMINER